

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1266

Citations Affected: IC 20-12; IC 21-11-9-4; IC 21-12.

Synopsis: Twenty-first century scholarships. Proposed conference committee report for EHB 1266. Provides that a student who is in foster care, or placed in a child caring institution, a group home, or the home of a relative or other unlicensed caretaker: (1) is considered a full-need student by the state student assistance program; and (2) receives information concerning the twenty-first century scholars program from the student's caseworker. Requires the state student assistance commission to adopt rules allowing a student in foster care to enroll in the twenty-first century scholarship program at any time during high school if the student agrees to meet certain eligibility criteria for at least six months after graduation from high school. Allows students in certain nonpublic schools that are not accredited by the state board of education to become eligible students for the twenty-first century scholarship program. Makes amendments to conform with the higher education recodification. **(This conference committee report: (1) corrects a reference to accredited nonpublic schools; (2) requires the state student assistance commission to adopt rules concerning the eligibility of foster children for the twenty-first century scholarship program; and (3) makes amendments to conform with SEA 526, the higher education recodification bill.)**

Effective: Upon passage; July 1, 2007.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1266 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enactment clause and insert the
- 2 following:
- 3 SECTION 1. IC 20-12-21-6.3 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. (a) This section applies to an**
- 6 **individual who:**
- 7 **(1) meets the requirements set forth in section 6 of this**
- 8 **chapter; and**
- 9 **(2) before the date that eligibility is determined by the**
- 10 **commission, has been placed by or with the consent of the**
- 11 **department of child services, by a court order, or by a**
- 12 **licensed child placing agency in:**
- 13 **(A) a foster family home;**
- 14 **(B) the home of a relative or other unlicensed caretaker;**
- 15 **(C) a child caring institution; or**
- 16 **(D) a group home.**
- 17 **(b) The commission shall consider an individual described in**
- 18 **subsection (a) as a full-need student under the commission's rules**
- 19 **when determining the eligibility of the individual to receive**
- 20 **financial aid administered by the commission under this chapter.**
- 21 SECTION 2. IC 20-12-70-2 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) As used in**

1 this chapter, "eligible student" means a student who meets the
 2 following requirements:

- 3 (1) Is a resident of Indiana.
- 4 (2) Is enrolled in grade 8 at a:
 - 5 (A) public school; or
 - 6 (B) ~~an accredited~~ nonpublic school **that is accredited by:**
 - 7 (i) the state board; or
 - 8 (ii) a national or regional accrediting agency whose
 - 9 accreditation is accepted as a school improvement plan
 - 10 under IC 20-31-4-2.
- 11 (3) Is eligible for free or reduced priced lunches under the
- 12 national school lunch program.
- 13 (4) Agrees in writing, together with the student's custodial parents
- 14 or guardian, that the student will:
 - 15 (A) graduate from a secondary school located in Indiana that
 - 16 meets the admission criteria of an institution of higher
 - 17 learning;
 - 18 (B) not illegally use controlled substances (as defined in
 - 19 IC 35-48-1-9);
 - 20 (C) not commit a crime or infraction described in IC 9-30-5;
 - 21 (D) not commit any other crime or delinquent act (as described
 - 22 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
 - 23 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
 - 24 repeal));
 - 25 (E) when the eligible student is a senior in high school, timely
 - 26 apply:
 - 27 (i) to an institution of higher learning for admission; and
 - 28 (ii) for any federal and state student financial assistance
 - 29 available to the eligible student to attend an institution of
 - 30 higher learning; and
 - 31 (F) achieve a cumulative grade point average upon graduation
 - 32 of at least 2.0 on a 4.0 grading scale (or its equivalent if
 - 33 another grading scale is used) for courses taken during grades
 - 34 9, 10, 11, and 12.

35 **(b) The term includes a student who:**

- 36 (1) **before or during grade 7 or grade 8, is placed by or with**
- 37 **the consent of the department of child services, by a court**
- 38 **order, or by a child placing agency in:**
 - 39 (A) a foster family home;
 - 40 (B) the home of a relative or other unlicensed caretaker;
 - 41 (C) a child caring institution; or
 - 42 (D) a group home;
- 43 (2) **agrees in writing, together with the student's caseworker**
- 44 **(as defined in IC 31-9-2-11), to the conditions set forth in**
- 45 **subsection (a)(4); and**
- 46 (3) **except for the requirement set forth in subdivision (2),**
- 47 **otherwise meets the requirements of this section.**

48 SECTION 3. IC 20-12-70-15 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The commission
 50 shall adopt rules under IC 4-22-2 to implement this chapter, including:

- 51 (1) rules regarding the establishment of appeals procedures for

1 individuals who become disqualified from the program under
 2 section 12 of this chapter; ~~and~~

3 (2) notwithstanding section 2 of this chapter, rules that may
 4 include students who are in grades other than grade 8 as eligible
 5 students; **and**

6 **(3) rules that allow a student described in section 2(b) of this**
 7 **chapter to become an eligible student while the student is in**
 8 **high school, if the student agrees to comply with the**
 9 **requirements set forth in section 2(a)(4)(B) through section**
 10 **2(a)(4)(D) of this chapter for not less than six (6) months after**
 11 **graduating from high school.**

12 SECTION 4. IC 20-12-70-17 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2007]: **Sec. 17. (a) This section applies to a**
 15 **student described in section 2(b) of this chapter.**

16 **(b) A caseworker shall provide each student to whom the**
 17 **caseworker is assigned information concerning the program at the**
 18 **appropriate time for the student to receive the information and**
 19 **explain the program to the student.**

20 **(c) A student who receives information under this section shall**
 21 **sign a written acknowledgment that the student received the**
 22 **information. The written acknowledgment must be placed in the**
 23 **student's case file.**

24 SECTION 5. IC 21-11-9-4, AS ADDED BY SEA 526-2007,
 25 SECTION 522, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall adopt rules
 27 under IC 4-22-2 to implement IC 21-12-6, including:

28 (1) rules regarding the establishment of appeals procedures for
 29 individuals who become disqualified from the program under
 30 IC 21-12-6-9; ~~and~~

31 (2) notwithstanding IC 21-12-6-5, rules that may include students
 32 who are in grades other than grade 8 as eligible students; **and**

33 **(3) rules that allow a student described in IC 21-12-6-5(b) to**
 34 **become an eligible student while the student is in high school,**
 35 **if the student agrees to comply with the requirements set forth**
 36 **in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for not**
 37 **less than six (6) months after graduating from high school.**

38 SECTION 6. IC 21-12-3-1, AS ADDED BY SEA 526-2007,
 39 SECTION 523, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) An applicant is eligible for a**
 41 **first year higher education award under this chapter if the student meets**
 42 **the following requirements:**

43 (1) The applicant is a resident of Indiana, as defined by the
 44 commission.

45 (2) The applicant:

46 (A) has successfully completed the program of instruction at
 47 an approved secondary school;

48 (B) has been granted a:

49 (i) high school equivalency certificate before July 1, 1995;

50 or

51 (ii) state of Indiana general educational development (GED)

1 diploma under IC 20-20-6 or IC 20-10.1-12.1 (before its
2 repeal); or

3 (C) is a student in good standing at an approved secondary
4 school and is engaged in a program that in due course will be
5 completed by the end of the current academic year.

6 (3) The financial resources reasonably available to the applicant,
7 as defined by the commission, are such that, in the absence of a
8 higher education award under this chapter, the applicant would be
9 deterred from completing the applicant's education at the
10 approved postsecondary educational institution that the applicant
11 has selected and that has accepted the applicant. In determining
12 the financial resources reasonably available to an applicant to
13 whom IC 21-11-7 applies, the commission must consider the
14 financial resources of the applicant's legal parent.

15 (4) The applicant will use the award initially at that approved
16 postsecondary educational institution.

17 (5) If the student is already enrolled in an approved postsecondary
18 educational institution, the applicant must be a full-time student
19 and be making satisfactory progress, as determined by the
20 commission, toward a first baccalaureate degree.

21 (6) The student declares, in writing, a specific educational
22 objective or course of study and enrolls in:

23 (A) courses that apply toward the requirements for completion
24 of that objective or course of study; or

25 (B) courses designed to help the student develop the basic
26 skills that the student needs to successfully achieve that
27 objective or continue in that course of study.

28 **(b) This subsection applies to an individual who:**

29 **(1) meets the requirements set forth in subsection (a); and**

30 **(2) before the date that eligibility is determined by the**
31 **commission, has been placed by or with the consent of the**
32 **department of child services, by a court order, or by a**
33 **licensed child placing agency in:**

34 **(A) a foster family home;**

35 **(B) the home of a relative or other unlicensed caretaker;**

36 **(C) a child caring institution; or**

37 **(D) a group home.**

38 **The commission shall consider an individual to whom this**
39 **subsection applies as a full-need student under the commission's**
40 **rules when determining the eligibility of the individual to receive**
41 **financial aid administered by the commission under this chapter.**

42 SECTION 7. IC 21-12-6-5, AS ADDED BY SEA 526-2007,
43 SECTION 523, IS AMENDED TO READ AS FOLLOWS
44 [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) To qualify to participate in
45 the program, a student must meet the following requirements:

46 (1) Be a resident of Indiana.

47 (2) Be:

48 (A) enrolled in grade 8 at a:

49 (i) public ~~school~~; or ~~an accredited~~

50 (ii) nonpublic school **that is accredited either by the state**
51 **board of education or by a national or regional**

- 1 **accrediting agency whose accreditation is accepted as a**
- 2 **school improvement plan under IC 20-31-4-2; or**
- 3 (B) otherwise qualified under the rules of the commission that
- 4 are adopted under IC 21-11-9-4 to include students who are in
- 5 grades other than grade 8 as eligible students.
- 6 (3) Be eligible for free or reduced priced lunches under the
- 7 national school lunch program.
- 8 (4) Agree, in writing, together with the student's custodial parents
- 9 or guardian, that the student will:
- 10 (A) graduate from a secondary school located in Indiana that
- 11 meets the admission criteria of an eligible institution;
- 12 (B) not illegally use controlled substances (as defined in
- 13 IC 35-48-1-9);
- 14 (C) not commit a crime or an infraction described in
- 15 IC 9-30-5;
- 16 (D) not commit any other crime or delinquent act (as described
- 17 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
- 18 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
- 19 repeal));
- 20 (E) timely apply, when the eligible student is a senior in high
- 21 school:
- 22 (i) for admission to an eligible institution; and
- 23 (ii) for any federal and state student financial assistance
- 24 available to the eligible student to attend an eligible
- 25 institution; and
- 26 (F) achieve a cumulative grade point average upon graduation
- 27 of at least 2.0 on a 4.0 grading scale (or its equivalent if
- 28 another grading scale is used) for courses taken during grades
- 29 9, 10, 11, and 12.
- 30 **(b) The term includes a student who:**
- 31 **(1) before or during grade 7 or grade 8, is placed by or with**
- 32 **the consent of the department of child services, by a court**
- 33 **order, or by a child placing agency in:**
- 34 **(A) a foster family home;**
- 35 **(B) the home of a relative or other unlicensed caretaker;**
- 36 **(C) a child caring institution; or**
- 37 **(D) a group home;**
- 38 **(2) agrees in writing, together with the student's caseworker**
- 39 **(as defined in IC 31-9-2-11), to the conditions set forth in**
- 40 **subsection (a)(4); and**
- 41 **(3) except as provided in subdivision (2), otherwise meets the**
- 42 **requirements of subsection (a).**
- 43 SECTION 8. IC 21-12-6-14 IS ADDED TO THE INDIANA CODE
- 44 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 45 1, 2007]: **Sec. 14. (a) This section applies to a student described in**
- 46 **section 2(b) of this chapter.**
- 47 **(b) A caseworker shall provide each student to whom the**
- 48 **caseworker is assigned information concerning the program at the**
- 49 **appropriate time for the student to receive the information and**
- 50 **explain the program to the student.**
- 51 **(c) A student who receives information under this section shall**

1 sign a written acknowledgment that the student received the
2 information. The written acknowledgment must be placed in the
3 student's case file.

4 SECTION 9. [EFFECTIVE UPON PASSAGE] (a) Before June 30,
5 2008, the state student assistance commission shall offer an
6 opportunity to become an eligible student (as defined in
7 IC 20-12-70-2(a), as amended by this act (before its repeal), and
8 IC 21-12-6-5(a), as amended by this act) to any student who, during
9 the 2005-2006 school year or 2006-2007 school year:

10 (1) met the eligibility criteria set forth in IC 20-12-70-2(a), as
11 amended by this act (before its repeal), or IC 21-12-6-5(a), as
12 amended by this act, as if IC 20-12-70-2(a)(2)(B), as amended
13 by this act (before its repeal), or IC 21-12-6-5(a)(2)(A)(ii), as
14 amended by this act, had been in effect at the time; and

15 (2) was enrolled in grade 8 at a nonpublic school that is
16 accredited by a method set forth in IC 20-12-70-2(a)(2)(B), as
17 amended by this act (before its repeal), or
18 IC 21-12-6-5(a)(2)(A)(ii), as amended by this act.

19 (b) This SECTION expires July 1, 2008.

20 SECTION 10. An emergency is declared for this act.

(Reference is to EHB 1266 as printed March 16, 2007.)

Conference Committee Report
on
Engrossed House Bill 1266

Signed by:

Representative Avery
Chairperson

Senator Lubbers

Representative Noe

Senator Rogers

House Conferees

Senate Conferees